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Attorneys for Defendant
California Physicians' Service,
dba Blue Shield Of California

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA

RICHARD P. WELLS, For Himself And
In His Representative Capacity As
Administrator of the Estate of Marilyn
Wells, Decedent, and As Guardian of His
Minor Children,

Plaintiff,

vs.

CALIFORNIA PHYSICIANS' SERVICE,
dba BLUE SHIELD OF CALIFORNIA,

Defendants.

Case No. C 05 1229 CRB

**STIPULATION TO CONTINUE CASE
MANAGEMENT CONFERENCE;
~~[PROPOSED]~~ ORDER THEREON**

1 WHEREAS, a Case Management Conference in the above-captioned matter is currently
2 set for July 1, 2005.

3 WHEREAS, Plaintiff Richard P. Wells filed a First Amended Complaint ("FAC") in this
4 matter on June 15, 2005.

5 WHEREAS, Defendant, California Physician Service, dba Blue Shield of California
6 ("Blue Shield"), intends to file a Motion to Dismiss and Motion to Strike with respect to the FAC,
7 which may resolve some, if not all, of the issues raised in the FAC.

8 WHEREAS the parties believe that good cause exists for a sixty (60) day continuance of
9 the Case Management Conference, in that a continuance will serve the interests of judicial
10 economy by offering an opportunity for Blue Shield's Motion to Dismiss and Motion to Strike to
11 be filed and heard prior to the Case Management Conference, thus clarifying the issues that
12 remain in dispute in advance of the Case Management Conference.

13 NOW, THEREFORE, IT IS HEREBY STIPULATED and agreed by Plaintiff and
14 Defendant, through their respective attorneys of record, that the Case Management Conference in
15 this action, currently set for July 1, 2005, be continued for a period of approximately 60 days, to
16 September 9, 2005, at 8:30 a.m., or as soon thereafter as the Court may be deem appropriate.

17 Plaintiff and Defendant further stipulate and agree that this Stipulation may be signed in
18 counterparts, and facsimile signatures shall have the same force and effect as originals.

19 This request is not being made for the purposes of delay.
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1 IT IS SO STIPULATED.

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3 MANATT, PHELPS & PHILLIPS, LLP
4 GREGORY N. PIMSTONE
ANDREW L. SATENBERG

5 Dated: June 27, 2005

6 By: s/ Andrew L. Satenberg
7 Andrew L. Satenberg
8 *Attorneys for Defendant*
9 CALIFORNIA PHYSICIANS' SERVICE,
10 dba BLUE SHIELD OF CALIFORNIA

11 BENJAMIN FRANKLIN LEGAL
12 FOUNDATION

13 Dated: June 27, 2005

14 By: s/ James B. Rhoads
15 James B. Rhoads
16 *Attorney for Plaintiff*
17 RICHARD P. WELLS

18 *Filer's Attestation: Pursuant to General Order No. 45, Section X(B) regarding signatures,*
19 *Andrew L. Satenberg hereby attests that concurrence in the filing of this document has been*
20 *obtained.*

21 **ORDER**

22 Having reviewed the Stipulation of the parties, and good cause appearing:

23 IT IS HEREBY ORDERED THAT the Case Management Conference in this action,
24 currently set for July 1, 2005, be continued to ~~September 9,~~ ^{October 7,} 2005 at 8:30 a.m.

25 Date: June 27, 2005

26 THE HONORABLE _____ JUDGE

27 40894802.1

